

10/04/01

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Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCEUTILITY  
PATENT APPLICATION  
TRANSMITTAL

(Only for new nonprovisional applications under 37 CFR 1.53(b))

Attorney Docket No.	7853-240	Total Pages	76
First Named Inventor or Application Identifier			
Kroczek			
Express Mail Label No.	EL 501 639 779 US		

PTO  
U.S.  
09/28/01  
10/04/01APPLICATION ELEMENTS  
See MPEP chapter 600 concerning utility patent application contents.ADDRESS TO: Assistant Commissioner for  
Box Patent Application  
Washington, DC 20231

1. ☒ Fee Transmittal Form [Total Pages 4]  
Submit an original, and a duplicate for fee processing)
2. ☒ Specification [Total Pages 31]  
(including 24 pages of specification and 7 pages of claims)  
(preferred arrangement set forth below)
- Descriptive title of the invention
  - Cross Reference to Related Applications
  - Statement Regarding Fed sponsored R&D
  - Reference to Microfiche Appendix
  - Background of the Invention
  - Brief Summary of the Invention
  - Brief Description of the Drawings (if filed)
  - Detailed Description of the Invention (including drawings, if filed)
  - Claim(s)
  - Abstract of the Disclosure
3. ☒ Drawing(s) (35 USC 113) [Total Sheets 17]
4. ☒ Oath or Declaration [Total Sheets 2]
- ☐ Newly executed (original or copy)
  - ☒ Copy from a prior application (37 CFR 1.63(d))  
(for continuation/divisional with Box 17 completed)  
[Note Box 5 below]
  - ☐ DELETION OF INVENTOR(S)  
Signed statement attached deleting inventor(s) named in the prior application, see 37 CFR 1.63(d)(2) and 1.33 (b).
5. ☐ Incorporation By Reference (useable if Box 4b is checked)  
The entire disclosure of the prior application, from which a copy of the oath or declaration is supplied under Box 4b, is considered as being part of the disclosure of the accompanying application and is hereby incorporated by reference therein.

6. ☐ Microfiche Computer Program (Appendix)
7. ☒ Nucleotide and/or Amino Acid Sequence Submission  
(if applicable, all necessary)
- a. ☒ Computer Readable Copy
  - b. ☒ Paper Copy (identical to computer copy)[Total pages 3]
  - c. ☒ Statement verifying identity of above copies [Total pages 1]

## ACCOMPANYING APPLICATION PARTS

8. ☒ Assignment Papers [2 pages]  
(copy from U.S. Application No. 09/509,283)
9. ☐ 37 CFR 3.73(b) Statement ☒ Revocation and Power of Attorney (copy from U.S. Application No. 09/509,283)  
(when there is an assignee) [3 pages]
10. ☐ English Translation Document (if applicable)
11. ☐ Information Disclosure Statement (IDS) in duplicate/ PTO-1449 [5 pages]  
☒ Copies of IDS Citations
12. ☒ Preliminary Amendment [5 pages]  
(Plus Exhibits A-C)
13. ☒ Return Receipt Postcard (MPEP 503)  
(Should be specifically itemized)
14. ☐ Applicant claims Small Entity status, see 37 C.F.R. § 1.27
15. ☐ Certified Copy of Priority Document(s)  
(if foreign priority is claimed)
16. ☐ Other:

17. If a CONTINUING APPLICATION, check appropriate box and supply the requisite information:  
☒ Continuation ☐ Divisional ☐ Continuation-in-part (CIP) of prior application No: 09/509,283 filed August 11, 2000.

## 18. CORRESPONDENCE ADDRESS

Customer Number: 20583

  
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Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Box Patent Application, Washington, DC 20231.

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**Prior application: Examiner Roark, J.Art Unit 1644

Assistant Commissioner for Patents  
 Box PATENT APPLICATION  
 Washington, D.C. 20231

Sir:

This is a request for filing a ☒ continuation ☐ divisional application under 37 CFR § 1.53(b), of pending prior application no. 09/509,283 filed on August 11, 2000.

of Kroczek, Richard  
 (inventor(s) currently of record in prior application)

for METHODS FOR TREATMENT OF ASTHMATIC DISORDERS  
 (title of invention)

1. ☒ The filing fee is calculated below:

**PATENT APPLICATION FEE VALUE**

TYPE	NO. FILED	LESS	EXTRA	EXTRA RATE	FEE
Total Claims	7	-20	0	\$18.00 each	\$ 0.00
Independent	1	-3	0	\$84.00 each	\$ 0.00
Basic Fee					\$ 740.00
Multiple Dependency Fee If Applicable (\$280.00)					\$ 0.00
Total					\$ 740.00
50% Reduction for Independent Inventor, Nonprofit Organization or Small Business Concern					- \$ 0.00
Total Filing Fee					\$ 740.00

2. ☒ Please charge the required fee to Pennie & Edmonds LLP Deposit Account No. 16-1150. A copy of this sheet is enclosed.
3. ☐ Amend the specification by inserting immediately after the title in the first line the following sentence:
- 4a. ☐ Transfer the drawings from the prior application to this application and abandon the prior application as of the filing date accorded this application. A duplicate copy of this sheet is enclosed for filing in the prior application file.

- 4b. ☐ New formal drawings are enclosed.
- 4c. ☒ Informal drawings are enclosed.
- 5a. ☒ Priority of application serial no. 09/509,283 filed on August 11, 2000 is claimed under 35 U.S.C. §120, and to German patent application serial nos. 19741929.1, filed September 23, 1997 and 19821060.4, filed May 11, 1998 under 35 U.S.C. §119.
- 5b. ☒ The certified copy has been filed in prior application no. 09/509,283, filed August 11, 2000.
- 6. ☒ The prior application is assigned of record to Bundesrepublik Deutschland. A copy of the Assignment is enclosed.
- 7a. ☒ A Combined Declaration and Power of Attorney, filed August 11, 2000, and a Revocation and Power of Attorney, filed December 7, 2000, appear in the original papers in the prior application no. 09/509,283, filed August 11, 2000. Copies of these documents are enclosed herein.
- 7b. ☐ Since the Power of Attorney does not appear in the original papers, a copy of the Power in prior application no. , filed is enclosed.
- 8. ☒ This application contains nucleic acid and/or amino acid sequences required to be disclosed in a Sequence Listing under 37 CFR §§1.821-1.825.

Respectfully submitted,

Date October 4, 2001

Laura A. Coruzzi 30,742  
 Laura A. Coruzzi (Reg. No.)

By: Muna Abu-Shaar  
 Muna Abu-Shaar  
 Limited Recognition Under 37 C.F.R. § 10.9(b)  
 Copy of Certificate Enclosed

**PENNIE & EDMONDS LLP**  
 1155 Avenue of the Americas  
 New York, New York 10036-2711  
 (212) 790-9090

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of: Kroczek

Application No.: To be Assigned

Art Unit: Not Yet Assigned

Filed: On Even Date Herewith

Examiner: Not Yet Assigned

For: METHODS FOR TREATMENT OF ASTHMATIC  
DISORDERS

Atty Docket No.: 7853-240

TRANSMITTAL OF SEQUENCE LISTING

Assistant Commissioner for Patents  
Washington, DC 20231

S I R :

In connection with the above-identified application, and in accordance with  
37 C.F.R. § 1.821, Applicant submits herewith a Sequence Listing in paper and  
computer-readable format pursuant to 37 C.F.R. § 1.821(c) and (e).

I hereby state that the content of the paper and computer-readable copies of the  
Sequence Listing, submitted in accordance with 37 C.F.R. § 1.821(c) and (e), respectively,  
are the same. I hereby state that the submission herein under 37 C.F.R. § 1.821(g) does not  
include new matter.

Respectfully submitted,

Date October 4, 2001

Laura A. Coruzzi 30,742  
Laura A. Coruzzi (Reg. No.)

By:

Muna Abu-Shaar  
Muna Abu-Shaar  
Limited Recognition Under 37 C.F.R. § 10.9(b)  
Copy of Certificate Enclosed  
**PENNIE & EDMONDS LLP**  
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New York, New York 10036-2711  
(212) 790-9090

Enclosures